

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/3/08
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

CARPEAH NYENKOR, :

Plaintiff, :

- against - :

CARL E. DUBOIS et al., :

Defendants. :

- - - - -x

ORDER

07 Civ. 5657 (DC)

**CHIN, District Judge**

Plaintiff has submitted various letters requesting certain relief, including asking the Court to (1) order defendants to allow him greater access to the prison law library and legal documents pertaining to this matter and (2) appoint him pro bono counsel. By order dated May 7, 2008, the Court ordered defendants to look into the matter and to take steps to ensure that plaintiff had reasonable access to the library.


On May 12, 2008, defendants advised the Court that they had already investigated plaintiff's allegations and "found them to be categorically baseless," as plaintiff was permitted the same library access afforded other prisoners. Defendants submitted affidavits and time logs detailing plaintiff's library use, and reported that plaintiff had made voluminous submissions in at least five actions pending before various state and federal courts. Plaintiff submitted a response repeating his requests, challenging the authenticity of defendants' exhibits, and adding that "the Court should demand plaintiff access to the Court."

Plaintiff's request for a court order directing defendants to grant him increased time in the library is denied, as plaintiff appears to be requesting greater access than that afforded other prisoners. Indeed, plaintiff appears to have had sufficient access to draft voluminous submissions to numerous courts, including this one.

Plaintiff's application for the appointment of counsel is also denied. Based on an initial review of the pleadings, and considering the factors governing appointment of counsel set forth in Hodge v. Police Officers, 802 F.2d 58 (2d Cir. 1986), the Court determines that plaintiff has not made the requisite "threshold showing of merit." Hendricks v. Coughlin, 114 F.3d 390, 394 (2d Cir. 1997). Accordingly, plaintiff's application is denied.

SO ORDERED.

Dated: New York, New York  
August 1, 2008

  
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DENNY CHIN  
United States District Judge